



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: July 08, 2021.


TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:

MARY BRENN RYLEE,

Debtor.

Chapter 11

(Subchapter V)

Case No. 21-10436

**ORDER GRANTING EXPEDITED AGREED MOTION BETWEEN
DEBTOR AND THE DEBTOR'S NON-FILING SPOUSE FOR ORDER
MODIFYING THE AUTOMATIC STAY TO ESTABLISH
PROCEDURES FOR DIVISION OF COMMUNITY PROPERTY**

CAME ON FOR CONSIDERATION the *Expedited Agreed Motion Between Debtor and the Debtor's Non-Filing Spouse for Order Modifying The Automatic Stay to Establish Procedures For Division of Community Property*, filed on July 7, 2021 (Docket No. 44) (the "Motion").² The Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it

² Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

appearing that no other or further notice need be provided; and the Court having reviewed the Motion and the record before it, finds that the relief sought in the Motion has merit and should be GRANTED. It is therefore

ORDERED that:

- The Debtor and the Spouse shall retain a Financial Advisor, which shall be selected by the Trustee, to value the Rylee Community Property and evaluate the Unauthorized Transactions without the need for further approval and order from this Court.
- The fees and expenses incurred by Debtor and the Spouse for services provided the Financial Advisor shall be evenly paid between the Debtor and the Spouse, subject to approval of the fees and expenses by this Court. Upon approval of the fees and expenses by this Court, the fees and expenses for the Financial Advisor shall be paid out of the sale proceeds of the Parties' Odessa property (*see* Dkt. No. 36) and/or the Parties' 2019 tax refund.
- The Trustee shall select the Financial Advisor within five (5) business days after entry of this Order.
- Within five (5) business days after selection of a Financial Advisor, the Debtor, Spouse, and any accountant, financial professional, or other custodian in possession of financial records, property valuations, appraisals, and other financial data relating to the Rylee Businesses, including any information related to the Unauthorized Transactions, shall turn over such financial records to the Financial Advisor. The Parties shall have the power to subpoena additional documents and testimony pursuant to Fed. R. Bankr. P. 2004.
- The Financial Advisor shall prepare a report (the "FA Report") valuing the Rylee Businesses and identifying Unauthorized Transactions made by the Debtor or the Spouse from the Rylee Businesses from January 1, 2017 through the entry of this Order. The FA Report shall also include a valuation of other material Rylee Community Property, including the Spouse and Debtor's home in Austin, Texas.
- From the date the Financial Advisor's retention through preparation of the FA Report, the parties shall make themselves available and otherwise cooperate with the Financial Advisor in preparing the FA Report.
- The Financial Advisor shall prepare the FA Report as soon as practicable, but in no event, later than twenty-eight (28) days from the date of its selection by the Trustee.
- Upon conclusion of the FA Report, the Financial Advisor shall transmit the report to the Debtor, the Spouse, the Trustee, and shall file the FA Report under seal with this Court, provided that, subject to a protective and confidentiality order, the Debtor shall serve a copy of the FA Report on any secured creditor, including American Momentum Bank ("AMB") upon request and agreement to be bound by such protective and confidentiality

order. The findings of the Financial Advisor in the FA Report are binding as between the Parties, subject to Court approval and objections of creditors. For the avoidance of doubt, no finding of the Financial Advisor shall be binding or have any effect whatsoever as to any issue relating in any way to, including any valuation, of any the Rylee Community Property or any other property, with respect to AMB, or any of its collateral, security interests, debt, claims, or proofs of claim, or any other interests.

- The Debtor and the Spouse will attempt to divide the Community Property between the two parties, under the supervision of the Trustee or a mediator (the “Mediator”) appointed by the Trustee at an in-person mediation (the “Mediation”) to occur within fourteen (14) days of transmission of the FA Report to all parties. If the Trustee selects a third-party mediator to resolve issues related to division of the Community Property, the Debtor and the Spouse shall share equally in the costs of the Mediator, subject to approval of the fees and expenses by the Court. The Parties will each provide a confidential position statement with evidentiary support to the Mediator and Trustee three (3) days prior to the Mediation. For the avoidance of doubt, any division of the Community Property shall have no effect on any rights, claims, interests, or the like, of AMB, with respect to the Debtor, any entity in which the Debtor has any interest, or with respect to the Spouse, or any entity in which the Spouse has any interest.
- Within three (3) days after the conclusion of the Mediation, the parties shall seek from this Court (i) if the Parties reach an agreed resolution, approval of the division of the Community Property as mutually agreed at the Mediation or (ii) if the Parties are unable to reach an agreed resolution, further relief from this Court on how to proceed with dividing the Community Property; it is further

ORDERED that this Court shall retain jurisdiction to interpret and enforce this Order.

SO ORDERED.

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Submitted by:

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